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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,002	06/07/2001	Chisato Yoshida	209460US6	5523

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EXAMINER

DUNN, MISHAWN N

ART UNIT PAPER NUMBER

2621

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/875,002	<b>Applicant(s)</b> YOSHIDA ET AL.	
	<b>Examiner</b> Mishawn N. Dunn	<b>Art Unit</b> 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 June 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,6,10,11,16,20,21,26 and 30 is/are rejected.
- 7) ☒ Claim(s) 2-5,7-9,12-15,17-19,22-25 and 27-29 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. Figure 12 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 6, 11, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshizawa et al. (US Pat. No. 6,335,910).

4. Consider claim 1. Yoshizawa et al. teaches an optical recording apparatus for recording data on a recording medium by optical recording (fig. 1), comprising: write means for writing data to said recording medium (col. 4, lines

Art Unit: 2616

1-6); and control means for controlling session closing for enabling another reading apparatus to read the written data (col. 6, line 36 – col. 7, line 22; fig. 4); wherein said control means performs session closing in accordance with conditions for session closing (col. 5, lines 27-36).

5. Consider claim 6. Yoshizawa et al. teaches an optical recording apparatus according to claim 1, further comprising vibration detecting means for detecting vibrations, wherein said control means does not start session closing when said vibration detecting means detects vibrations (col. 5, lines 27-36).

6. Method claims 11 and 16 are rejected for the same reasons as discussed in the corresponding apparatus claims above.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshizawa et al. (US Pat. No. 6,335,910) in view of Moritsugu et al. (US Pat. No. 5,347,505).

9. Consider claim 10. Yoshizawa et al. discloses all of the claimed limitations as stated above, except that said recording medium comprises one of a write-once recording medium and a rewritable recording medium.

Art Unit: 2616

However, Moritsugu et al. teaches that various optical disks may be used in recording, including one of a write-once recording medium and a rewritable recording medium (col. 1, lines 23-31).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to use a write-once and a rewritable recording medium, as a choice of design.

10. Method claim 20 is rejected for the same reason as discussed in the corresponding apparatus claim above.

11. Claims 21 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi et al. (US Pat. No. 5,274,457) in view of Yoshizawa et al. (US Pat. No. 6,335,910).

12. Consider claim 21. Kobayashi et al. teaches a digital still camera (fig. 1) comprising: image pickup means for capturing an image of a subject (col. 5, line 62 – col. 6, line 13); image processing means for processing the captured image data (col. 4, lines 51-64); read-write means for reading data from and/or writing data to a recording medium (abstract);

Kobayashi et al. does not disclose a control means for controlling session closing for enabling a reading apparatus to read the recorded data; wherein said control means performs session closing in accordance with conditions for session closing.

However, Yoshizawa et al. discloses a control means for controlling session closing for enabling a reading apparatus to read the recorded data (col.

Art Unit: 2616

6, line 36 – col. 7, line 22; fig. 4); wherein said control means performs session closing in accordance with conditions for session closing (col. 5, lines 27-36).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to provide a control means for controlling session closing for enabling a reading apparatus to read the recorded data in accordance with conditions for session closing, in order to prevent malfunction of the optical disk and to successfully playback the recorded information.

13. Consider claim 26. Kobayashi et al. discloses all of the claimed limitations as stated above, except that the camera further comprises a vibration detecting means for detecting vibrations, wherein said control means does not start session closing when said vibration detecting means detects vibrations.

However, Yoshizawa et al. teaches a vibration detecting means for detecting vibrations, wherein said control means does not start session closing when said vibration detecting means detects vibrations (col. 5, lines 27-36).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to provide a control means that does not start session closing when said vibration detecting means detects vibrations, in order to prevent erroneous information from being recorded.

14. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi et al. (US Pat. No. 5,274,457) in view of Moritsugu et al. (US Pat. No. 5,347,505).

Art Unit: 2616

Kobayashi et al. discloses all of the claimed limitations as stated above, except that said recording medium comprises one of a write-once recording medium and a rewritable recording medium.

However, Moritsugu et al. teaches that various optical disks may be used in recording, including one of a write-once recording medium and a rewritable recording medium (col. 1, lines 23-31).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to use a write-once and a rewritable recording medium, as a choice of design.

#### ***Allowable Subject Matter***

15. Claims 2-5, 7-9, 12-15, 17-19, 22-25, and 27-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mishawn N. Dunn whose telephone number is 571-272-7635. The examiner can normally be reached on Monday - Friday 7:30 AM to 5:00 PM.

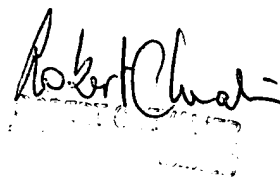
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The

Art Unit: 2616

fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mishawn Dunn  
February 24, 2006

A handwritten signature in black ink, appearing to read "Robert Chua", is written over a faint rectangular stamp.